

From: [Gary Moore](#)
To: [Darlene Gregory](#)
Subject: Re: Immediate Attention Needed Bergner invoices for Falcon Refinery/Lazarus Energy
Date: 06/11/2012 11:24 PM

Darlene

What I think may have been meant is that the NORCO contract should be paid by NORCO and the Lazarus contract should be paid by Lazarus.
I will see what additional I can do.

Gary Moore

Gary Moore
Federal On-Scene Coordinator
EPA Region 6
Cell: 214-789-1627
Work: 214-665-6609
email: moore.gary@epa.gov

----- Original Message -----

From: "Darlene Gregory" [dgregory@eastmeetwestproductions.com]
Sent: 06/11/2012 11:20 AM EST
To: Gary Moore
Cc: "'Theresa Nix'" <tnix@gaincoinc.com>; "'Michelle Back'" <mback@gaincoinc.com>;
<cwillis@gaincoinc.com>
Subject: RE: Immediate Attention Needed Bergner invoices for Falcon Refinery/Lazarus Energy

Gary:

Thanks for your response. I have heard from Johnathon Carroll, who left me a voice mail at 5:48am on Thursday, to tell me he wanted to be sure I understood the Lazarus and Norco contracts were unrelated. What that means is anybody's guess. No information about whether Lazarus is responsible for the Norco invoices as Mr. Bergner stated, and intent to pay those or Lazarus' current invoices. I spoke to Tommy Byrd at Lazarus, via telephone, and he told me to send the Lazarus invoices for which we had purchase orders. I did that on Wednesday or Thursday and sent him a credit application as well. We have received the completed credit application, but no payment. I informed Tommy that invoices were due upon receipt, but with a satisfactory credit application I would give him net 30 going forward.

On Thursday, Lazarus cancelled service for the day and Friday. We do have a 2 man crew out there today. It would be very helpful if I had full contact information for NORCO, since it seems Mr. Bergner is passing the responsibility to Lazarus, (see his correspondence received today attached) who apparently is passing the responsibility right back to Bergner/NORCO. Gainco is caught in the middle. Would you happen to have any information on NORCO and its principals?

Gainco has taken the job orders from Bergner for more than a year, and has had no contact with a principal at NORCO, so I have no idea how to contact anyone there. To say I am getting impatient with Mr. Bergner and Mr. Carroll would be an understatement. Lazarus just needs to pay the Bergner invoices if they are the responsible party and those invoices they have incurred, and stop avoiding doing so with passing the responsibility to multiple contacts within their company. Gainco is not going to write off \$122K.

I am in Houston tomorrow thru Thursday, but available by cell or email. Any assistance you might give me would be most appreciated.

Best regards,

Darlene K. Gregory, President
EMW Productions, LLC dba East Meets West Productions
EMW Financial Management, LLC
Waterfront Communications, LLC
1024 Leopard Street
Corpus Christi, TX 78401
Tel: 361-904-0044 Cell: 361-779-4399 Fax: 361-904-0256
dgregory@eastmeetwestproductions.com

-----Original Message-----

From: Gary Moore [mailto:Moore.Gary@epamail.epa.gov]
Sent: Monday, June 11, 2012 9:22 AM
To: Darlene Gregory
Subject: Re: Immediate Attention Needed Bergner invoices for Falcon Refinery/Lazarus Energy

Darlene

Have you heard from Lazarus or NORCO?

The funds in house at EPA are performance bond monies from NORCO should EPA have to take over the cleanup. It is not intended to pay for NORCO's failure to pay its contractors.

Please continue to give me status updates so I can help get you paid.

Thanks
Gary Moore

Gary Moore
Federal On-Scene Coordinator
EPA Region 6
Cell: 214-789-1627
Work: 214-665-6609
email: moore.gary@epa.gov



9566922

----- Original Message -----

From: "Darlene Gregory" [dgregory@eastmeetwestproductions.com]

Sent: 06/01/2012 12:28 PM EST

To: Gary Moore

Cc: "'Theresa Nix'" <tnix@gaincoinc.com>; "'Michelle Back'" <mback@gaincoinc.com>

Subject: FW: Immediate Attention Needed Bergner invoices for Falcon Refinery/Lazarus Energy

Dear Mr. Moore:

I am the Chairman of the Board of Directors for Gainco, Inc. Despite my best efforts by telephone and email, I have been unsuccessful at reaching either Mr. Bergner or Mr. Carroll with regard to these seriously past due invoices. Mr. Bergner did speak to our Admin Assistant, Michelle Back, last week, and maintains the invoices "aren't his, they belong to Lazarus". Why it took him three months to share that information is beyond my understanding.

I did speak to Mr. Wilson, Project Manager at Falcon Refinery, who informed me two days ago by telephone that he would forward the email below to Mr. Carroll and "take care of it". At this time, neither Bergner and/or Lazarus Energy has seen fit to respond. The Board's position is that we will pull our crews, equipment and tanks from Falcon next week if we do not receive the seriously past due \$52K owed to Gainco for services rendered. Our exposure through 5/19/12 with Bergner and Lazarus Energy is over \$112K, and we've not yet billed for the balance of May's services, which I anticipate to be at least another \$50K.

While we value the opportunity to assist Lazarus, unless we get a response today, we are unwilling to supply service without compensation, and will take appropriate action.

It is my understanding that there may be some sort of "escrow fund" held by the EPA. If that is so, how do I go about applying for the funds to satisfy our invoices? I would appreciate any assistance you could give me with this matter.

Darlene K. Gregory, President
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-----Original Message-----

From: Darlene Gregory [mailto:dgregory@eastmeetwestproductions.com]

Sent: Wednesday, May 30, 2012 5:23 PM

To: 'Johnathan.Carroll@lazarusenergy.com'

Cc: 'Theresa Nix'; 'Michelle Back'; 'swilsonwse@gmail.com'

Subject: FW: Immediate Attention Needed Bergner invoices for Falcon Refinery/Lazarus

Dear Mr. Carroll:

I am the Chairman of the Board for Gainco, Inc. The Board met today and is concerned about the age of some invoices for the Falcon Refinery work we have performed. As of today, we have \$111,413.77 in outstanding invoices to your company that are unpaid. The oldest invoice is 98 days old, dated 2/21/12, for \$50,371.77 and was originally invoiced to Richard Bergner, who informed us this invoice should have been paid by Lazarus Energy. There are two smaller invoices, also attached, that date back to March, bringing the seriously past due invoices to \$52,783.77. If you do not have the most current invoices, dated 5/11 and 5/19 respectively, totaling \$58,630.00, I will provide them upon your reply.

While we value your business, we must receive payment for these past due invoices immediately, and current invoices are due upon receipt. Generally, we extend a 30 day courtesy to our clients to pay their invoices, before adding interest charges of 18% on all outstanding balances. I am certainly willing to waive interest charges on these invoices, but we must receive payment on the \$52,783.77 invoice by close of business tomorrow, Thursday, May 31, 2012. We accept bank wire, corporate check or credit card as forms of payment. Should you need wiring instructions or a Gainco staff member to pick up a check, we will be happy to do so.

Please respond with your desired method of payment to myself or Ms. Theresa Nix, President, who may be reached at tnix@gaincoinc.com.

As Lazarus Energy is a new client, we'd appreciate a contact person in your accounting department who is responsible for the processing of accounts payable. Billing address for invoices, and a telephone number and email address would be most helpful.

Once again, Mr. Carroll, we value your business and look forward to a long and mutually beneficial partnership with you and Lazarus Energy. I am traveling on business today, so don't hesitate to call my cell phone below should you have any questions or concerns. Thank you for your immediate attention to this matter.

Best regards,

Darlene K. Gregory, President
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Management, LLC Waterfront Communications, LLC
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-----Original Message-----
From: Theresa Nix [mailto:tnix@gaincoinc.com]
Sent: Tuesday, May 29, 2012 2:09 PM
To: Darlene Gregory
Subject: Bergner invoices

On 5/29/12 8:32 AM, "tnix@gaincoinc.com" <tnix@gaincoinc.com> wrote:

>This E-mail was sent from "RNPAD1AB8" (Aficio 2020D).
>
>Scan Date: 05.29.2012 13:32:19 (+0000)
>Queries to: tnix@gaincoinc.com